

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 PC-01

AID-05 NIC-01 /062 W

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R 111735Z MAR 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 8094

C O N F I D E N T I A L BRASILIA 1813

E. O. 11652: GDS

TAGS: PINT, BR

SUBJECT: LEGAL ACTION BROUGHT AGAINST NEWSPAPER

SUMMARY: AT INSTANCE OF ARMY MINISTER, JUSTICE MINISTER HAS REQUESTED FEDERAL POLICE INVESTIGATION OF JORNAL DE BRASILIA FOR PUBLISHING MATERIAL DEEMED "CALUMNIOUS AND DEFAMATORY" TO SECURITY ORGANS. EPISODE HAS, SO FAR AT LEAST, CAUSED LITTLE STIR, AND SEEMS AIMED BOTH AT MARKING LIMITES OF DECOMPRESSION AND AT PLACATING CONSERVATIVE ELEMENTS WITHIN REVOLUTION. END SUMMARY

1. JUSTICE MINISTRY MARCH 4 RELEASED STATEMENT DECLARING MINISTER HAD RECEIVED COMMUNICATION FROM ARMY MINISTER REQUESTING "LEGAL MEASURES" AGAINST "DIRECTORS" OF JORNAL DE BRASILIA FOR PUBLISHING NEWS "CONTAINING REFERENCES CALUMNIOUS AND DEFAMATORY TO SECURITY ORGANS" IN THE FEBRUARY 26 EDITION. THE STATEMENT ADDED THAT THE JUSTICE MINISTER HAD ALREADY REQUESTED THE FEDERAL POLICE DEPARTMENT TO UNDERTAKE THE APPROPRIATE INVESTIGATION, "BASED ON THE PRESS LAW AND THE NATIONAL SECURITY LAW".

2. THE OFFENDING PASSAGE, IN AN ARTICLE ON THE EFFORTS OF THE FAMILY OF FORMER FEDERAL DEPUTY MARCO ANTONIO TAVARES COELHO ON HIS BEHALF (SEE BRASILIA 1566), QUOTES HIS MOTHER-IN-LAW AND SISTER AS SAYING THAT THE TREATMENT

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HE RECEIVED AT SAO PAULO'S DEPARTMENT OF INTERNAL OPE-

RATIONS WAS "MEDIEVAL" AND THAT VISITORS HAVE TO ENTER THE BUILDING HOODED. "THERE THEY ARE RECEIVED BY DRUNKEN MEN, CARRYING MACHINE GUNS, WHO DON'T RESPECT ANYONE. THERE, THEY (THE MEN) SAY THEY DO WHAT THEY WANT AND THAT NO ONE, NO AUTHORITY, CAN INTERFERE, AND THAT LAWYERS ONLY ENTER AS PRISONERS. EVEN TAXI DRIVERS REFUSE TO DROP US OFF AT THE DOOR, THEY LEAVE US A BLOCK AWAY."

3. THE FOLLOWING DAY, WHILE OTHER PAPERS PRUDENTLY LIMITED THEMSELVES TO BRIEF MENTION OF THE JUSTICE MINISTRY STATEMENT, THE JORNAL FRONT-PAGED THE STORY, COMPLETE WITH A REPRODUCTION OF THE ARTICLE WITH THE OFFENDING PASSAGE CIRCLED. (THE REPRODUCTION, HOWEVER, WAS REDUCED IN SIZE, WITH THE PRINT TOO SMALL TO READ.) IN ITS COVERAGE (AND, IMPLICITLY, IN ITS DEFENSE), THE JORNAL SAID THAT THE TWO LADIES' REMARKS WERE MADE PUBLICLY, IN THE CHAMBER OF DEPUTIES, IN THE PRESENCE OF CONGRESSMEN AND JOURNALISTS, AND WERE TAKEN DOWN BY THE PAPER'S REPORTERS. FURTHERMORE, "THE PUBLICATION OF THE INTERVIEW . . . WAS DONE WITH DUE CAUTION--THE STATEMENTS APPEAR IN QUOTATION MARKS--AND WAS FOLLOWED 48 HOURS LATER BY A JUSTICE MINISTRY NOTE IN WHICH MINISTER ARMANDO FALCAO" REFERRED TO NEWS ITEMS ALLEGING COELHO'S TORTURE.

4. THE JORNAL WENT ON TO NOTE THAT IT HAD FELT NO EFFECTS OF THE INVESTIGATION NOR INDEED HAD RECEIVED ANY NOTIFICATION (EXCEPT THE MINISTRY STATEMENT, WHICH WAS DISTRIBUTED TO THE PRESS), AND CARRIED THE FOLLOWING FORMAL STATEMENT ISSUED BY THE PAPER'S MANAGEMENT: "WE ARE NOT BEING SUBJECTED TO ANY VIOLENCE OR PERSECUTION. THE ANNOUNCED INVESTIGATION WHICH WILL BE OPENED BY THE FEDERAL POLICE IS A LEGAL AND LEGITIMATE MEASURE OF THE AUTHORITIES, WHO WILL LOOK INTO THE SERIOUSNESS OF THE FACTS WHICH CONCERN THEM. THE JORNAL DE BRASILIA, WHICH DISTINGUISHES ITSELF BY THE RESPONSIBILITY OF ITS NEWS COVERAGE AND BY RESPECT FOR THE LAWS IN FORCE IN THE COUNTRY, CONTEMPLATES THE EPISODE WITH THE REQUIRED SERIOUSNESS AND TRANQUILITY."

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5. DURING A TELEPHONE CONVERSATION MARCH 5, JUSTICE MINISTER FALCAO REVEALED TO THE DAO THAT AUTHORITIES HAD ANTICIPATED THE NATURE OF THE JORNAL'S DEFENSE, AND EXPRESSED CONFIDENCE CONVICTION WOULD BE OBTAINED.

6. COMMENT: THE OUTCOME OF THE CASE COULD, OF COURSE, HAVE AN IMPORTANT EFFECT ON ITS IMPACT IN PRESS AND POLITICAL CIRCLES HERE. SO FAR, HOWEVER, THERE HAS BEEN

ALMOST NO STIR. ALTHOUGH LOOKING FOR A GOOD LAWYER, JORNAL EDITOR-IN-CHIEF LUIZ GUTEMBERG TOLD EMBOFFS HE WAS NOT PARTICULARLY CONCERNED, NOR DID HE HAVE ANY SPECIAL INFORMATION OR ANALYSIS AS TO WHY THE ACTION WAS BROUGHT. OTHER JORNALISTS, PERHAPS WITH THE JORNAL'S RAPID RISE TO PROMINENCE IN MIND, SUGGESTED THAT THE PAPER'S RELATIVELY BRASH AND FREE-WHEELING WAYS HAD EARMARKED IT FOR ACTION SOME TIME AGO, AND ONE EVEN IMPLIED HE THOUGHT PAPER HAD IT COMING. WHILE (AS JORNAL REPORTED) TWO MDB CONGRESSMEN TOOK FLOOR MARCH 5 TO PROTEST ACTION AS INFRINGEMENT OF PRESS FREEDOM, NOTHING MORE HAS BEEN HEARD PUBLICLY ON MATTER. ARENA CONGRESSMEN IN CONVERSATIONS WITH EMBOFFS UNDERSTANDABLY DOWNPLAYED EPISODE, BUT AGREED IT REPRESENTED ANOTHER MARKER IN THE CHANNEL OF DECOMPRESSION. THE ACTION STRIKES US AS ALSO ONE INTENDED TO PLACATE CONSERVATIVE ELEMENTS WITHIN THE REVOLUTION. END COMMENT
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, NEWSPAPERS, CLANDESTINE PUBLICATIONS, POLICE INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BRASIL01813
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750085-0770
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750364/aaaacfel.tel
Line Count: 133
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 03 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 SEP 2003 by BoyleJA>; APPROVED <04 SEP 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LEGAL ACTION BROUGHT AGAINST NEWSPAPER SUMMARY: AT INSTANCE OF ARMY MINISTER, JUSTICE MINISTER
TAGS: PINT, BR, JORNAL DE BRASILIA, (FALCAO, ARMANDO RIBEIRO), (FROTA, SYLVIO COUTO COELHO DA)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006